

# Utilities Department abolition is OK'd

*Council backs Nagin  
over vocal Gusman*

**By Frank Donze**  
Staff writer

Despite the objections of his most persistent critic, Mayor Ray Nagin continued to move his City Hall reorganization forward Thursday, winning council approval to abolish the Utilities Department and transfer its functions to other parts of city government.

The debate, which often lapsed into technical jargon, was dominated by City Councilman Marlin Gusman, who questioned the legality of submitting the proposal to the council.

Gusman, who insisted there was nothing personal about his opposition, said the changes to the City Charter proposed by Nagin need to go before the voters instead.

**See COUNCIL, B-2**



PRO

# Let voters decide, Gusman argues

## COUNCIL, from B-1

"I'm one of the biggest allies of Mayor C. Ray Nagin," said Gusman, who is a lawyer and served as chief administrative officer during former Mayor Marc Morial's administration.

"Make no mistake about it, I'm with him on all of the initiatives that he has that are in the best interests of the people. ... This is about voting for the people, not about voting against somebody."

Both City Attorney Charles Rice and council Chief of Staff Ron Pursell, also a lawyer, offered opinions that the process for dismantling the Utilities Department — a small piece of a much larger City Hall overhaul unveiled last month by Nagin — meets the legal criteria outlined in the charter.

In the end the council voted 5-2 to authorize the changes. Councilwoman Renee Gill Pratt joined Gusman in opposing the plan.

### Gusman urges caution

Though Pratt said she shared some of Gusman's concerns about the executive branch's authority to alter responsibilities of other city agencies, particularly the Finance Department, her comments were mild in comparison.

Gusman, who has likened the charter to the city's version of the Constitution, cautioned his colleagues to tread lightly when considering changes to a document that has served as a blueprint for running city government since 1954.

Though voters may not be familiar with "every little nuance" of the charter, Gusman said "they know that these departments had some mission that they felt ought to be protected, not diluted."

He said the government structure approved by voters 50 years ago "shouldn't be subject to whether or not four people on any given day would approve or disapprove. Ultimately the power rests with the people."

Council President Eddie Sapir made it clear that he wasn't pleased with the tone of Gusman's comments, which Sapir implied were designed to portray Gusman as the only council member looking out for the voters' interest.

"If the public didn't think that they were well represented today, you'd have standing room only in the council chambers," a visibly angry Sapir said, noting that only one citizen bothered to attend Thursday's special meeting.

"You try to take one house down that the public doesn't want you to take down or do one other thing that's much, much smaller than a charter

amendment and we would have standing room only."

Sapir said the key issue facing the council "is that this is an attempt to streamline government. That's what the people want and that's the reason I'm for it."

Joining Sapir in supporting Nagin's plan were Jay Batt, Jacquelyn Brechtel Clarkson, Cynthia Willard-Lewis and Oliver Thomas.

### Council tempers flare

The Utilities Department emerged last summer as a focal point of Nagin's City Hall corruption probe. Nagin effectively shut down the department in July after his administration charged employees with offenses ranging from public bribery to malfeasance.

But beyond those problems, Nagin's staff has said that abolition of the agency would bring tangible benefits, including cost savings, eliminating "misplaced" functions and removing a layer of unnecessary bureaucracy.

The process to dismantle the agency is being used for the first time since voters amended the charter in 1995 to make it easier to eliminate, reorganize or consolidate specified city departments, including Utilities.

Before that, such a change required the mayor to persuade the council to place a charter referendum on the ballot and then win approval from voters.

Gusman's opposition focused on whether Nagin's proposal fits the legal criteria of the change approved by voters.

His argument focused on the Finance Department, which

would assume most of the defunct department's responsibilities, including executive branch oversight of the city's franchise agreements with Entergy New Orleans and Cox Communications, which the council regulates.

Gusman cited a section of the revised charter that lists Finance as one of seven agencies that require a referendum "to rename or reassign powers or functions."

The city attorney's office countered that the charter provision in question does not prohibit adding duties to a department.

Tempers flared at another point during Thursday's discussion as Sapir attempted to highlight the importance of Pursell's endorsement of Nagin's proposal, noting that the council's chief of staff also served on the committee that proposed the 1995 charter revisions.

"Let's don't forget, our attorney, Ron Pursell, who was part of the charter ..." Sapir said before he was interrupted by Gusman, who demanded a point of personal privilege.

"Ron Pursell is not functioning as our attorney," Gusman said. "Now, if we want to hire him as our attorney, I'll be happy to do that."

After Gusman completed his remarks, Pratt tried to restore order.

"I think we're getting off the issue," she said. "And I think we need to stick to what's at hand."

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## AD REPORTER

By Martin Covert



Cutting a ribbon on the new DHJ Boutique at Doctors Hospital of Jefferson are (from left) buyer Lydia Burks, the hospital's Christine Dittman, manager Rose Kilcoyne, buyer Beverly Dorsa and treasurer Evelyn Meitzke. Friends of the McEllen Smith Memorial and

